

Probate Notes for August 2, 2007

Probate notes are a recommendation as to the outcome of the petition. Unlike tentative rulings, they do not automatically become adopted as the order of the court. If you wish to continue a matter, contact the civil division at (530) 406-6704. If you wish to have your petition preapproved, contact the probate examiner at (530) 406-6718 between the hours of 2 p.m. and 4 p.m.

Case: Estate of Mitchell
Case No. CV PB 07-133

At the request of counsel, this matter is continued to August 23, 2007, at 9:00 a.m. in Department Two.

Case: Estate of Perini
Case No. CV PB 05-251

Petitioner has failed to cite authority or explain why 100% of the household furnishings is to be distributed to William Perini. If a declaration is filed, it is recommended to approve the first and final account and report of administrator and grant the petition for its settlement, for allowance of statutory fees, and for final distribution. A new proposed order may need to be lodged.

Case: Estate of Robles
Case No. CV PB 07-131

1. The petition fails to state, at Item 9, the relationship of the persons listed to the decedent.
2. Donna Robles and James Robles, listed on the petition, were not served, because their address was stated as "unknown". Petitioner must file a declaration of diligent search when a recipient's address is unknown. (Rule 7.52, Cal. Rules of Court.)
3. Proof of publication is not yet filed.

Case: Probate Conservatorship of McCullough
Case No. CV PB 96-83

The following problems are noted:

1. Confusion regarding property on hand:
 - a. The Declaration of G. Prather filed 7/28/03, Property on Hand (Schedule H) at the end of the 4th account was stated to be \$1,332,409.50.
 - b. The Declaration of G. Prather filed 7/12/07, Property on Hand at the beginning of the 5th account was stated to be \$1,638,384.20.
 - c. Petitioner is requested to provide a detailed assets schedule as of April 30, 2003.
 - d. The 5th accounting should be amended with a new balanced Summary of Account with supporting schedules.
2. The original bank statements for the accounting period as required under Probate Code § 2620(c) are not filed; and

3. The court investigator's report is not yet filed.

Case: Conservatorship of Holguin
Case No. CV PC 07-124

It is recommended that the matter be continued. The following problems are noted:

1. Petitioner requests appointment as conservator of the person and estate, yet no assets are listed on the petition, page 3, number 3e. Petitioner should file a declaration which states: (a) estimated value of personal property, (b) estimated value of real property, and (c) estimate of yearly income, if any. The amount of bond cannot be determined until petitioner files an asset declaration.
2. Bond will be required unless petitioner can show good cause why bond should be waived.
3. A Capacity Declaration by the proposed conservatee's physician is required to be filed;
4. Proof of personal service of the citation on the proposed conservatee is required to be filed;
5. Proof of service of 15 days notice of hearing on the proposed conservatee's relatives (and any relatives within the second degree, such as grandchildren, brothers and sisters), is required to be filed. The addresses of the proposed conservatee's children (and any other relatives within the second degree) were omitted from the petition.
6. Confidential Supplemental Information Form (Judicial Council form GC-312) is not filed.